

TOWN of HINGHAM

BOARD OF HEALTH

Board of Health Public Meeting

January 12, 2016

A posted public meeting of the Town of Hingham, Board of Health (the Board) was held in the Central North Meeting Room, 210 Central St., Hingham, MA.

The meeting was called to order by Dr. Shilts at 7:08 PM

Members Present:

Kirk Shilts, D.C., Chairman

Peter Bickford, Member

Stephan White, Member

Staff Present:

Bruce Capman, R.S., Executive Health Officer

Elizabeth Nee, Health Agent

Andrea Benedetto, Administrative Secretary

Paul Brogna, P.E., Board Engineering Consultant

Personnel Update:

The Board took up the matter of staffing when the Executive Health Officer (EHO) is absent for extended periods of time.

- Dr. Shilts disclosed he had discussions with both Mr. Bickford and Mr. White that were extemporaneous to a board meeting, dealing with health department administrative and scheduling issues during Mr. Capman's recent absence.
- Dr. Shilts said Mr. Capman is presently the only town employee who can evaluate and sign off on Title-5 septic plans, where Health Agent Nee has yet to obtain all of her training.
- During Mr. Capman's absence, the Hingham health dept. utilized the services of Ms. Susan Sarni, the EHO for the Town of Cohasset.
- Mr. Capman described intermunicipal mutual aid agreements that were developed through the state's emergency preparedness program. These agreements are modeled on fire and police mutual aid agreements but cover health department employees during times when a municipality is short-staffed. The agreements cover liability, compensation and legal authority issues. Town Meeting voted in 2006 to allow these agreements with Hingham health dept employees.
- Mr. Capman said mutual aid arrangements arise for a variety of reasons and could last for up to a few weeks.
- Mr. Capman stated engagement only requires an agreement between the two participating town's EHOs and not require involvement from the Board.
- Dr. Shilts introduced a sample contract drafted by the Town's personnel director that would allow the Board to contract directly with Ms. Sarni should Hingham require EHO services that extend beyond those typically envisioned through a mutual aid arrangement.
- Ms. Sarni was in the audience and said she will get back to the Board after discussing intermunicipal mutual aid agreement issues with her Cohasset Board of Health.
- Board members thanked Ms. Sarni for her assistance during Mr. Capman's absence.

Thereafter, the Board took no action on this matter.

Board Minutes:

The Board reviewed the draft minutes from the December 8, 2015 public meeting.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to approve the public meeting minutes of December 8, 2015 as drafted.

The Board reviewed a draft field inspection report of December 10, 2015.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to approve the field inspection report of December 8, 2015 as drafted.

Foundation Wall Construction Permit Variance Request:**129 Rockland Street**

Spokesperson: Ryan Feldman

The applicant is requesting a variance from the town's Supplemental Septic Rules and Regulations for a new construction project.

- This is a continuation from the November 2015 public meeting, involving a request for a cellar floor variance relative to groundwater setback.
- Missing grade elevations were added to the new plans, as was the proposed utility services.
- The six concerns identified by Mr. Brogna in his 10/16/15 report have been addressed by revised plans to the Board's satisfaction.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to grant a variance from the Town's Supplemental Septic Regulations, section VI.14; conditional on the applicant obtaining a permit from the Hingham Fire Dept. before commencement of any explosive blasting.

Flexible Residential Development (FRD) Preliminary Review:**Oakwood Circle**

Spokesperson: Gary James

- Mr. Brogna said he just received the revised plans for this proposal and therefore did not have the opportunity to provide the Board with a proper comprehensive written report.
- Dr. Shilts informed Mr. James that submitting plans a day or so before a meeting is unacceptable, noting that his submissions have been late or incomplete on previous occasions. He stated that moving forward, required plans and paperwork need to be in at least a week in advance of a meeting, as is the Board's policy, or the matter will be removed from the agenda. Mr. James said he understood and promised to adhere to the Board's policy or forfeit his item's placement on the meeting agenda.
- Mr. James said percolation tests discussed at December's meeting were done last week. Mr. Brogna reported that they dug only two of the three new test pits and that both showed suitable soils. Mr. Brogna said they did not do any percolation testing however.
- The project comprises four new lots and a fifth existing lot. Mr. Brogna said lot #4 does not meet the requirements of Title-5 because the testing is incomplete. Mr. Capman stated the boring test performed some years ago on lot #4 could take the place of a test pit if a sieve analysis was performed, but it wasn't.
- Mr. James said he didn't want to dig up the driveway on lot #4 to get the lot's soil characteristics because the driveway serves the occupied residential lot.
- Mr. Brogna stated lot #4 requires another test hole and that hand digging next to the driveway as suggested by Mr. James is not sufficient. Mr. James stated that he does not wish to dig up the driveway this winter, but would rather wait until the site is less wet.

- Dr. Shilts said the Board must certify to the Planning Board the septic yield from the site including how many bedrooms the site could support. Mr. James said the proposal is five lots, each containing a four-bedroom home, for a total of twenty (20) bedrooms.
- Dr. Shilts said since the applicant doesn't have, or currently wish to perform, all of the required testing; the definitive number of bedrooms can only be sixteen (16). He asked the applicant if he wanted the Board to report sixteen (16) bedrooms to the Planning Board or postpone the application until all necessary testing is complete. Applicant said to approve sixteen (16) bedrooms to the Planning Board to move the project ahead.
- Mr. White suggested including a provision where the Board could revisit septic yield based on additional testing.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to inform the Planning Board that the septic yield for the proposed Oakwood Circle FRD is sixteen (16) bedrooms, but the Board is amenable to revisit its determination and certify up to twenty (20) bedrooms should additional soil testing prove favorable.

Prohibiting Smoking in the Workplace and Public Places Regulation:

Proposed Update

The Board took up the matter of updating the Town's workplace and public spaces smoking regulation.

- Dr. Shilts said the Hingham Transfer Station should stay as its own bulleted item rather than move it within the definition of an 'enclosed' Public Space where it is an outdoor location.
- The regulation gives the Hingham Housing Authority the responsibility to establish a smoking policy for the Thaxter Street Apartment complex which the authority lawfully manages. Because the complex is a state-owned facility, the Board's oversight of this location may be limited.
- Mr. White would like to strike out Section 4C that addresses smoking at food service areas; he thinks it is too far-reaching. Dr. Shilts said this section already exists, and the only proposed change is to include a clarification about outdoor 'lawn' areas.
- Mr. White requested removing the proposed prohibition of smoking at town-owned cemeteries.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Dr. Shilts and it was VOTED (unanimous); to promulgate the proposed regulation update, as amended, effective March 1, 2016.

Executive Health Officer's Report:

❖ Massachusetts Dept. of Environmental Protection (MassDEP) Award Recognition

Mr. Capman described a December 2015 Certificate of Recognition presented by the MassDEP to the Hingham Board of Health regarding our helpful and innovative regulation to provide recycling services to all Hingham residents and businesses.

Scheduling:

Next meeting of the Board was not scheduled.

Adjournment:

The January 12, 2016 public meeting of the Hingham Board of Health adjourned at 9:10PM.

Respectfully submitted,
Andrea Benedetto, Executive Secretary